

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

December 20, 2021

VIA ECF

The Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: United States v. Lawrence Ray
20 Cr. 110 (LJL)**

Dear Judge Liman:

We write on behalf of Lawrence Ray in the above-captioned matter to request an extension to file the defense's Rule 17 letter, currently due December 23, 2021, and corresponding deadlines. The Government and counsel for the complainants consent to this request.

On September 13, 2021, the Court denied the Government and complainants' motions to quash subpoenas for complainants' medical records issued pursuant to Rule 17. Doc. 211. The Court then lifted the stay on two complainants' Rule 17 subpoenas and signed new orders directing subpoenaed providers to deliver the requested records to the complainants' lawyers and to the Court within two weeks of the day of service of the order. *See id.* At the defense's request, the Court also signed Rule 17 subpoenas for the medical records of two additional complainants. *See* Doc. 213, 216; Tr. 36:3–21 (Oct. 19, 2021). The Court gave counsel for the complainants three weeks from the date the records were returnable to produce corresponding privilege/relevance logs. Tr. 37:5–22. Finally, the Court scheduled oral argument on January 7, 2022 concerning the relevance of the Rule 17 records prior to 2010, with defense briefing due two weeks prior and the Government and complainants' response due January 3, 2022. *Id.* at 27:16–22, 28:4–9.

The defense timely served the Rule 17 subpoenas on the appropriate medical providers and continuously followed up with providers to ensure compliance with the Court order.

To date, the defense understands that most subpoena returns have been provided to the Court and/or counsel for the complainants as directed. Currently, the defense is in receipt of a single relevance log from one complainant related to a portion of this individual's subpoenaed

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records.¹ Counsel for other complainants have indicated their intent to provide privilege/relevance logs concerning the records they have received to date by December 20 or December 21, 2021. Counsel for one complainant advised that they received “a very substantial amount of records” from one provider and anticipate being able to complete a privilege log before Christmas or by January. Some subpoena returns remain outstanding.

Given this, the defense respectfully requests an extension of the December 23, 2021 date to file a letter concerning the relevance of certain Rule 17 subpoena returns. The defense is hopeful that the records will be returned and privilege/relevance reviews conducted by early January. Therefore, the defense proposes a filing deadline of January 10, 2022 for the defense letter, with the Government and complainants’ response due on January 18, 2022, and oral argument on January 24, 2022. The Government and counsel for the complainants consent to this request.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Marne L. Lenox, Esq.
Peggy Cross-Goldenberg, Esq.
Allegra Glashausser, Esq.
Neil P. Kelly, Esq.

Counsel for Lawrence Ray

cc: Counsel of record

¹ Counsel has indicated that this complainant does not currently invoke the psychotherapist-patient privilege over the records received.